

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference IN010504PCT	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 03/06856	International filing date (day/month/year) 27/06/2003	(Earliest) Priority Date (day/month/year) 04/07/2002
Applicant INO THERAPEUTICS GMBH		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 05 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☒ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

1
☐ None of the figures.

INTERNATIONAL SEARCH REPORT

National Application No
PCT/EP 03/06856

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 A61M16/10 A61M16/12

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 A61M A61B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GB 1 581 482 A (DRAEGERWERK AG) 17 December 1980 (1980-12-17)	14-16, 20
Y	page 2, line 83 - line 87 page 3, line 13 - line 113 figure --- -/--	18, 19

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

*** Special categories of cited documents :**

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- * & * document member of the same patent family

Date of the actual completion of the international search

7 October 2003

Date of mailing of the international search report

27/10/2003

Name and mailing address of the ISA

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Borowski, A

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP 03/06856

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y A	<p>WO 01 41856 A (PULMONOX MEDICAL CORP ; MILLER CHRIS C (CA); MILLER JOHN W R (CA);) 14 June 2001 (2001-06-14) page 1, line 5 - line 26 page 2, line 31 -page 3, line 10 page 5, line 12 - line 27 page 6, line 22 - line 28 page 7, line 5 - line 10 page 7, line 26 - line 30 page 13, line 16 - line 23 page 14, line 11 -page 15, line 2 page 18, line 21 - line 29 claims 1-20; figure 1</p> <p style="text-align: center;">----</p>	<p>18</p> <p>14-16</p>
Y	<p>EP 0 524 083 A (EFFETS BIOLOGIQUES EXERCICE) 20 January 1993 (1993-01-20) cited in the application whole document</p> <p style="text-align: center;">----</p>	19
A	<p>US 5 979 443 A (DINGLEY JOHN) 9 November 1999 (1999-11-09) column 3, line 25 -column 4, line 46 column 8, line 4 - line 8</p> <p style="text-align: center;">----</p>	14
A,P	<p>WO 02 056931 A (TYOMKIN EVGENY ;TYOMKIN TATYANA (IL); AUTOMED AUTOMATIC DOSAGE SYS) 25 July 2002 (2002-07-25) page 8, line 13 - line 25 page 9, line 3 - line 15 claims 1-7,12-17; figures 1-3</p> <p style="text-align: center;">-----</p>	14-20

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP 03/06856

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 1-13, 21
because they relate to subject matter not required to be searched by this Authority, namely:
Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy: A method for administering carbon monoxide to a patient.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/EP 03/06856

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
GB 1581482	A	17-12-1980	BE 847039 A1	31-01-1977
			CH 618602 A5	15-08-1980
			DE 2744327 A1	13-04-1978
			SE 432879 B	30-04-1984
WO 0141856	A	14-06-2001	CA 2292128 A1	08-06-2001
			AU 2133201 A	18-06-2001
			WO 0141856 A2	14-06-2001
			US 2002178783 A1	05-12-2002
EP 0524083	A	20-01-1993	FR 2679337 A1	22-01-1993
			AT 134850 T	15-03-1996
			CA 2074029 A1	18-01-1993
			DE 69208760 D1	11-04-1996
			EP 0524083 A1	20-01-1993
			JP 5228129 A	07-09-1993
			US 5413100 A	09-05-1995
US 5979443	A	09-11-1999	AU 6011196 A	09-01-1997
			DE 69606405 D1	02-03-2000
			DE 69606405 T2	07-09-2000
			DK 830166 T3	24-07-2000
			EP 0830166 A1	25-03-1998
			WO 9641651 A1	27-12-1996
WO 02056931	A	25-07-2002	WO 02056931 A2	25-07-2002